SATURDAY, JANUARY 9, 1904. SALT LAKE CITY, UTAH.

FIFTY-FOURTH YEAR.

Senator Reed Smoot's Answer & Clear & Unequivocal

SENATOR SMOOT'S REPLY TO PROTESTS

Denies he is a Polygamist or Has Taken Oath Inconsistant With His Oath as Senator.

BOUND TO UPHOLD CONSTITUTION

Repudiates Allegation That He is One Of an Alleged Self-Perpetuating Body.

QUESTION OF CHURCH AND STATE

Denies First Presidency Has Any Control Over Temporal Affairs of State Or of People's Temporal Affairs,

Washington, Jan. 9 .- The response of Senator Reed Smoot of Utah to the charge made against him was presented to the senate committee on privileges and elections today by Senator Burrows, chairman of that committee. The document was in printed form, and the members of the committee did not go through the formality of reading it during the session; it was agreed that at the regular meeting of the committee to be held next Saturday the attorneys for Mr. Smoot and for the petitioners should be heard. John G. Carlisle of New York, formerly secretary of the treasury, and R. W. Tayler, formerly a representative in Congress from Ohio, will appear for the prosecution, while Mr. Smoot will be represented by Messrs, A. S. Worthington of Washington, D. C ; Waldemar Van Cott of Utah, and W. E. Borah of Idaho. The attorneys will be heard as to the merits of the case as already presented. They will be examined to show precedents and authorities and after they shall have made their presentation the committee will decide what to do further in the matter by calling witnesses or dispose of it on the showing which will then have been made.

Senator Reed Smoot today submitted the following answer to the protests against retention of a seat in the Unit-

"This respondent is advised and avers that but two of the charges made against him in said protests, either directly or by implication, are such as, if true, could legally affect his right to hold his seat in the senate. These two charges are:

"1-That the respondent is a poly-

2-That he is bound by some oath or obligation which is inconsistent with the oath required by the Constitution, which was administered to him before he took his heat as a senator.

CHARGES ARE DENIED. "Both these charges respondent de-

"As to the charge that he is a polygamist, the respondent says that he was married on the 17th day of September, 1884, to Alpha May Eldridge. She is still his wife, and is the mother of all his children. He has never had another wife and has never cohabited with any other woman.

NOT BOUND BY SECRET OATH.

"As to the charge that the respondent is bound by some oath or obligation controlling his duty under his cath as a senator the respondent says that he has never taken any such oath, or in any way assumed any such obligation. He holds himself bound to obey and uphold the Constitution and laws of the United States, including the condition in reference to polygamy upon state of Utah was admitted into the Union.
"The respondent now moves to strike

out and eliminate, separately from said protest, each and every matter and thing therein contained, except the two

charges above mentioned. While the respondent is advised and avers that the other matters referred to in said protests are such as cannot legally or properly be considered as affecting the right of the respondent to retain his seat in the senate, nevertheess the respondent now proceeds to answr the same, submitting the question relevancy of the same not waiving his said motion, but insisting there-

NO SELF PERPETUATING BODY. The respondent denies that he is one of said alleged self-perpetuating body of 15 men, or that there is any such body of men; or that the followers or members of the Church of Jesus Christ of Latter-day Saints or any of them accord the right to said alleged body o claim supreme authority, either divinely sanctioned or otherwise, to shape the belief or control the conof those under them in all or any matters, civil or temporal, and that said church or such alleged body ns or exercises any such alleged fights; or that said church, or said alleged body of men or either of them, unite either in one body or in all of them, the authority of chruch and state, or of the state, or that said thurch, or said alleged body of any person or body exercises any authority power as to inculcate or encourage belief in the practise of polygamy r belief in or practise of polygamous tohabitation, or that either counten-tness or connives at any violation of laws of the State of Utah or of United States, either regardless of ose or otherwise, or at all, or of any ovenants or covenant, or otherwise, lators opposed his nomination to such ither made with the people of the office and voted for another candihither made with the people of the office saited States or any other person or date."

son or body, by all or any means what-ever, either protects or honors persons, or any person, who is or may be guilty of said alleged practises, or any practise, either destructive of the family or the home or otherwise, or that said alleged body, or any of them violate any law of the land, or is guilty of any of said alleged practises; and this respondent for himsels in particular despondent for himself in particular de-nies that he is one of said alleged self-perpetuating body of 15 men or that there is any such body, or that said church, or any part thereof, or any person therein, inculcates or encour-ages a belief in the practise of polyg-amy or belief in or practise of polygamous cohabitation; and this respondent denies that he is guilty of polygamous cohabitation or that he is a polygamist or that he ever has been a polygamist, or that he has ever practised polygamous cohabitation.

NEVER COUNTENANCED VIOLATION OF LAW.

"This respondent further denies that he has ever countenanced or connived at any violation of any law, either of the State of Utah or of the United States, or that he has ever protected or honored any person or persons who may have violated the laws of the land. And this respondent denies that he is gullty of any practises or any practise destructive either of the family or the home. On the contrary, this respondent alleges that he honors and respects and obeys all of the laws of the State of Utah and of the United States and has never been guilty of any of-fense against either. And this respondent further alleges that the president of said church and his two counsellors constitute the first presidency and is the highest governing body in said church and the same has control of the spiritual and temporal affairs of said church, but not of the temporal affairs either of the state or any members of said church, that the next highest governing body in said church is the Twelve Apostles, consisting of 12 members of said Church, who 'are under the direction of the First Presidency,' and said Apostles on the dissolution of the first presidency for any reason whatever, then and not otherwise have authority equal to such otherwise have authority equal to such

POLYGAMY NOT TAUGHT.

"Respondent further alleges that since the manifesto of President Wil-ford Woodruff was issued in 1890 neither a belief in nor a practise of polygamy or polygamous cohabitation has either been taught or encouraged."

Mr. Smoot admits that the First Presidency of the "Mormon" Church s vested with supreme authority in all things spiritual and in all things temporal so far as temporal things pertain to the affairs of the Church. He denies that the First Presidency or Twelve Apostles are supreme in the exercise of the alleged mandates. He says the only accepted standard works of the Church are the Bible, namely, King James version, the Book of Mor mon, the Pearl of Great Price and the Doctrine and Covenants, together with the manifesto of President Woodruff, dated 1890. So far as quotations are made from any of the foregoing and correctly quoted, the respondent makes no complaint, but he denies the construction placed on them

by the protestants. RULE REGARDING POLITICS.

It is admitted that the "Mormon' Church made a rule in regard to its leading officials taking part in politics, but denies that this rule is fully or correctly set forth in the protest. In reference to the deposing of Moses Thatcher from the Twelve Apostles and his defeat by the Church in his contest for senatorship in the Legislature, the respondent denies that the defeat was due to his opposition to the rule of the Church. He admits that remarks were made by George Q. Cannon, Wilford Woodruff, Lorenzo Snow, John Henry Smith, Brigham Young and Joseph Smith on the subject of such depo-sition, but denies that such remarks are correctly quoted in the protest.

Mr. Smoot alleges that since the manifesto of President Woodruff in 1890, the practise of polygamous cohabitation by those who are polygamists theretofore had been abandoned by many but con-tinued by some for a time and where continued on the sole responsibility of persons, and subject to the penal-

NO CONNIVANCE AT POLYGAMY. It is denied that any body of officials

either practices or connives at polyga-my or that Mr. Smoot or any body of officials sought to pass a law nullifying enactments against polygamous co-habitation. It is admitted that such a law did pass the Utah Legislature in 1901, but it is asserted that some of the 'Mormon' members voted against the bill and that it was vetoed by the governor and the veto was sustained by the Legislature, a large majority of which were members of the "Mormon"

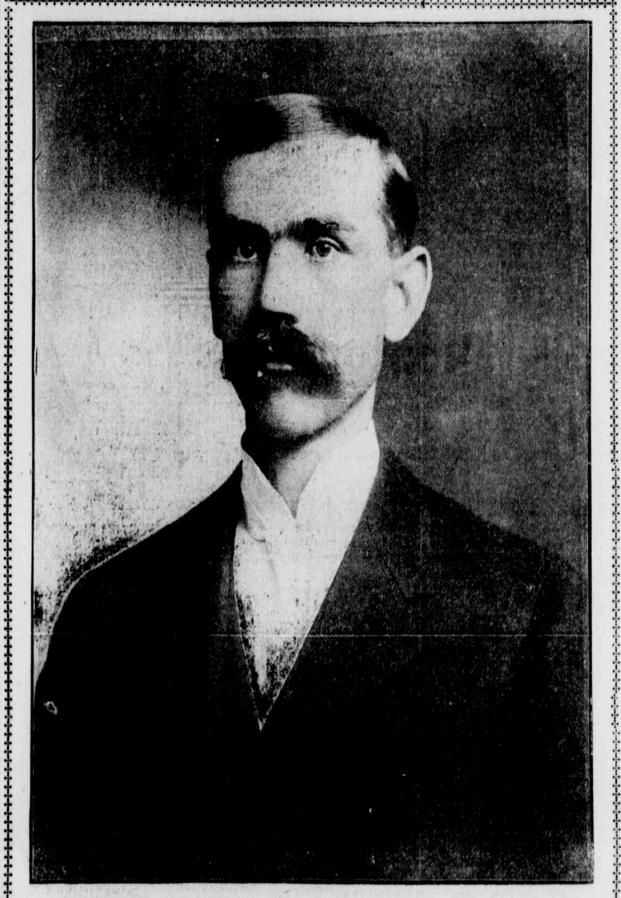
Mr. Smoot admits the charge that he is a director of Brigham Young academy, but alleges that he is not familiar with details of the employment of in-

SANCTITY OF THE HOME.

The charge that Mr. Smoot, from the high station of United States senator, would wage war upon the home is denied in strong terms. He agrees that the home is the basic institution upon whose purity and perpetuity rests the very government itself and he alleges that he has as sacred regard for the station of senator and for its duties as has any of the protestants or the most loyal citizens. He admits that most loyal citizens. He admits that the enjoyment of the privileges of statehood must depend upon the ob-servance of the sacred compact upon which statehood was secured, also that the rights thereby granted are not inalienable, but denies that he is or ever

will be unfitted to make any law.

SIGNIFICANCE OF HIS ELECTION. Concerning the political significance of his election as United States senator, Mr. Smoot says that in May, 1902, he announced he would be a candidate before the Legislature to be next elected and that such declaration was of his own judgment. Continuing, he says, "that the Democratic papers in the state of Utah, opposing the candidacy of this respondent, stated over and over again in prominent headlines and in strong editorials that a vote for the Republican ticket meant just that much toward the selection of this respondent as the next Republican United States senator from the state of Utah; that the members of the Legisature were nominated and elected on that issue and your respondent was the choice, by a large majority, of such Legislature, as the Republican United States senator from the state of Utah, and most of the Gentile Republican legislators voted for this re-spondent for such office. At the time all of the Democratic Mormon legis-



SUNITED STATES SENATOR SMOOT OF UTAH, Who Makes Full and Complete Answer to the Charges Preferred Against Him.

. A NOTE TO RUSSIA.

If Her Demands are Not Fairly 1 Met War Will Surely Ensue.

TIME FOR ANSWER IS LIMITED.

Temporarily a Crisis Has Been Averted Through Triumph of · Dipilomacy.

Tokio, Jan. 9 .- Japan addresssed a note to Russia today through Minister de Rosen. Its character has not been disclosed but it is said that Japan requires an answer within a given number of days. Whether the note mentions the time, making the document an ultimatum, or whether the time is intimated otherwise, is unknown.

The government, however, is determined to secure an early response and

close the discussion if it should prove to be fruitless. is understood that Japan adheres closely to her original contentions and it is believed that if Russia fails to fairly meet the demands war will ensue The attitude of the British and Americans greatly encourages the Jap-

anese war spirit which is stronger than The meeting of elder statesmen has been deferred for a day or two. The Russian warships which left Vladivostock recently are reported to have re-turned there instead of proceeding to

Port Arthur as expected CRISIS AVERTED FOR PRESENT.

Paris, Jan. 9 .- Official advices received here today further convince those in the highest authority that the averted in the far east for the present and the situation being brought dis-tinctly within the lines f diplomatic ad-justment. Reports, chiefly from Tokio, but also from St. Petersburg, give a clearer view of the circumstances leading up to the sudden improvement of the situation. They show that the Russian answer actually reached Tokio the night of Jan. 6 and proved to be the turning point. Prior to its receipt Japan had been making strenuous preparations for sending two divisions to southern Corea. The official reports establishing these preparations are without the slightest question the first note received on the sixth disclosed to Japan for the first time that Russia fully conceded Japan's paramount rights in southern Corea.

Russia's concession thus gave Japan practically what she had been prepar-ing to assert by force and accordingly, military activity was suspended, as Russia's concession made unnecessary Japan's forcible assertion of a para-mount position in southern Corea. The three days succeeding January gave an opportunity to the authorities at Tokio to consider and recognize

T WHO WILL GET THE REWARDS? ‡

Already there is much speculation as to who will get the rewards offered by the Utah Light & Railway company and the state, county and city, aggregating \$2,200, for the capture of the murderer. In the event he shall prove to be Shockley, as Prothero 4 claims, then it is certain that the latter will make a strong fight for it, or a big portion. Meanwhile it is understood the police ... department is after the big end of it if not all of it. It is not at all improbable that there will be

be satisfactory the reports have not been disclosed but the suspension of military activity is regarded as remov-ing the most dangerous aspect and giving hope that Japan is likely to receive Russia's answer in a conciliatory spirit. It is not known whether Russia's concession goes to the extent of relinquishing her contention for a neutral zone across northern Corea, but it is understood that it relates chiefly to giving definite assurance of Japan's rights in southern Corea. Although reports of mediation continue to circulate the authoritative statement was made today that no steps have been taken by France towards mediating. It is pointed out that such a movement, if addressed to Japan, probably would originate with Great Britain owing to their

a contest over it.

lose political relations. Foreign Minister Delcass is expected to return to Paris from Nice today or tomorrow, but his coming is not significant as relating to the pending sit-The entire official and diplomatic

community showed great relief today from the severe strain of recent days. JAPAN CRUISERS SAIL. Genoa, Jan.9 .- The Japanese armored

cruisers Karaga and Niasin left Genoa today for Suez.

Despite the early hour, 4:30 a. m., many people gathered ashore to see the Japanese warships leave and to give a last cheer for Japan. Through the semi-darkness the brilliantly lighted ships could be clearly seen. Italian sailors on board the departing ships exchanged loud salutations with their countrymen on the docks or on the steamers anchored near them. The half an hour later, but apparently go-ing in the direction of Naples, but no one knows what route they will take, even the commanders, before leaving, having acknowledged they were in the dark regarding the instructions contained in the sealed orders. The general opinion, however, is that they will go through the Suez canal.

Much comment has been aroused by the fact that some of the vessels of the Russian Mediterranean squadron have gathered at Suda bay, in the island of Crete, apparently awaiting the departure of the Japanese ships. INTERVENTION PREMATURE.

St. Petersburg, Jan. 9 .- The sugges tion of the intervention of other powers in the far eastern situation is regarded as premature in diplomatic here. It is pointed out that the Russo Japanese negotiations are not broken off. The opinion here is that any prop. osition of intervention would be useless and probably harmful, Russia's concession. Whether it will

PEOPLE DROWNED

Steamer Clallam Goes Down in Puget Sound While Being Towed.

THIRTY-ONE PERSONS SAVED.

Women Passengers Placed in Boats Which Capsized, And All Were Lost.

Port Townsend, Wash., Jan. 9.-The steamer Clallam of the Puget Sound Navigation company, Capt. George Roberts, sank at 1:15 o'clock this morning while in tow of the tug Holyoke at a point midway between Smith's island and Dongeness Spit.

Twenty-five of her passengers and crew were drowned. Thirty-one were saved, 24 being picked up by the tug Sea Lion and seven by the Holyoke The survivors are now on their way to Seattle aboard the Sea Lion and should arrive in Seattle about 1:30 this after-noon. The names of those who have been rescued or drowned have not yet been received.

SURVIVORS ARRIVE.

Seattle, Wash., Jan. 9 .- A report to The tug Sea Lion arrived here at 9 o'clock this morning bringing in the first news of the loss of the steamer Ciallam in the straits early this morning. The Sea Lion brought 24 surviv-ors. The tug Richard Holyoke ar-rived at 10:30 o'clock with nine addi-

tional survivors.

Owing to the high southwesterly gale and heavy sea the Clallam became un-manageable yesterday afternoon when off Discovery island. Heavy seas broke the lights and the vessel began to fill. All the women passengers were placed in three boats which capsized along-side and all were lost. As a result of telegraphic advices from Victoria, from which place the Caplam's predicament was seen, the tug Richard Holyoke was dispatched from Port Townsend and got a hawser aboard of the Clallam and started to tow her into Shelter. Owing to high wind Capt. the Ciallam was unable to inform Capt. Hall of the Holyoke of the condition of Sea Lion, which had been sent to aid the vessel, spoke the Clallam and earned that she was foundering, and steamed ahead and notified the Holy-oke, which cut her hawser and assisted the Sea Lion in rescuing the passen.

THE IROQUIS' FIRST FIRE.

John Bickles, a Workman, Swears There Was Another.

Chicago, Jan. 9,-Sworn testimony was given today that a fire broke out in | Helper last evening and discussed the the Iroqoula theater the first night that I situation,

hundreds of lives. The testimony re-garding the fact of the initial blaze was given by John Bickles, a workman employed on the construction of the theater. He said: "I was in the basement the night the

only preceded by a few weeks the great disaster which resulted in the loss of

theater opened, in a short passage northwest of the stage. I heard a loud report and flames came over the par-citions over my head, the partitions in the basement under the stage. The par-titions rise from the floor about eight feet but do not reach the celling. The flames came from another room from where I happened to be. There was a crowd rushing around the door and I could not see in. I was told it was some kind of a gas tank that exploded.

Bores Sail for Durban.

Bombay, Jan. 9.—Nearly 500 Boers sailed for Durban, Natal, today. They are the last of the preconcliables who were imprisoned at Ahmanagar. Later they were induced by Gen. Delarcy to take the oath of allegiance.

More Strikers Deported

Telluride, Colo., Jan. 9.- Four more strikers were deported today under or-ders from Mai. Zeph T. Hill, military commander, making a total of 55 evict-ed since martial law in this district was established by Gov. Peabody six days age. days ago.

EX-SECY. FOSTER DEAD. He Neger Regained Consciousness After Attack of Paralysis.

Springfield, O., Jan. 9.-Former Gov. Charles Foster, who was secretary of the treasury under President Harrison, died at the residence of Gen, Keifer here today from the effects of cerebral hemorrhages. He was 76 years old and is survived by his wife and a daughter. He was attacked last night while sit-ting in the library of Gen. Keifer's home, talking, and never regained con-sciousness. No arrangements for the funeral have been made.

More Arrests in Cripple Creek.

Cripple Creek, Colo., Jan. 9.-Only nine arrests have been made by the military officer's vagrancy order requiring strikers to find employment or leave the district became effective and the union leaders have concluded that the proposition to deport all strikers has been abandoned under orders from Gov. Peabody.

Gen. S. B. M. Young Retired.

Washington, Jan. 9 .- After serving at the head of the army as chief of staff with the rank of lieutenant-gen-eral for a little less than five months, Lieut.-Gen. S. B. M. Young relinquish. g relinquis his duties today to his successor in office, Gen. A. R. Chaffee who has been acting as his chief assistant for sevral weeks past. The change is due to the fact that Gen. Young became 64 years old today and therefore under he law was relegated to the retired

George L. Gillespie who has been since May, 1901, chief of engineers, suc-ceeds Gen. Chaffee as assistant chief of staff with the rank of major-general. This is the first time that an engineer officer has been in the line of supreme command of the army in 80 years, Gen. McComb being the last officer in that branch of the service to occupy such a position.

Gen. Gordon Not Better.

Miami, Fla., Jan. 9.-Gen. Gordon's condition today is not improved. It is believed that the general is gradually sinking, and that the next 24 hours will see the end.

Burt Will Go to Chicago.

Omaha, Jan. 9.-Horace G. Burt, the retiring president of the Union Pacific railway, has sold his residence property and will remove to Chicago, where, it is said, he will succeed President Marvin Hughitt of the Chicago & Northwestern rallway. This informa-

tion could not be officially confirmed at Mr. Burt's office, but by others was stated to be essentially true. FREDERICK THE GREAT.

Prof. Uphues Statue of Him Ready For Uncle Sam.

Berlin, Jan. 9 .- Prof Uphues' statue of Frederick the Great, presented by Emperor William to the United States, has been ready to be shipped for some weeks past, but no 'stimation has come from Washington as to when the authorities there want it sent. The newspapers in opposition to the government or unfriendly to the United States, continue at intervals to comment on the "contemptuous disregard of his majesty's gift by the United States" and find fault with the policy of conciliation toward the "Yankees who mistake German courtesy for weakness."

IN THE COAL CAMPS.

What the Situation is Where Trouble Once Was Considerable.

The Utah Fuel company reports today 258 men at work in the Castle Gate camp. Two hundred more men could be utilized at Castle Gate and 150 at Winter Quarters. Clear Creek and Sunnyside camps have all the men they

It begins to look as though there will be no friction in the coal camps of Carbon county over the eviction of the striking miners. For the past three days there have been meetings with the representatives of the strikers and the coal company looking to a settlement of the claims of the men who have erected houses on company ground. There is every indication that this feature of the strike will be settled out of the courts. Vice President Kramer and Gen. Manager Williams of the Utah Fuel company and Attorneys A. S. Fowler and S. A. King for the strikers have held several conferences in regard to the matter. Organizers Price and Kelliher also are on the ground advis-

The right of the ownership and possession of about 250 houses is involved in the transaction of which there are about 40 at Sunnyside, 127 at Castle Gate, 60 at Winter Quarters and 27 at Celar Creek. It is hard to estimate the value of these houses and cabins, but it is stated that they are worth in the neighborhood of \$25,000.

A proposed agreement has been drawn up by the attorneys and the mafor part of the strikers has signified

a desire to sign it. The delegates appointed from the various coal camps held a meeting at

LOOKS VERY BAD FOR SHOCKLEY.

Prisoner Makes Most Damaging Admissions About Hat and Revolver.

SAYS HE OWNED THEM BOTH,

Queer Complication Arises at the Inquest Between Jury and County Attorney Westervelt.

LATTER IS EXCEEDINGLY WISE.

Justice Clark is Non-Plussed and the jury Says, "Where Are We At?" Inquiry Goes Over.

For seven long hours yesterday afternoon and last evening, several officers "sweated" Shockley and Prothero at the state prison and tried to draw from them additional information concerning their supposed complicity in the murder of Gleason and Brighton. The net result of all this "sweating" is the following statement made by Shockley:

"YES, I BOUGHT THE HAT AND A GUN IN IDAHO FALLS, BUT I GAVE THEM AWAY TO A FRIEND OF MINE BEFORE I CAME HERE. I GAVE HIM THE HAT BECAUSE HE NEEDED IT AND I HAD ANOTHER

THE ONE I HAVE WORN EVER
SINCE I CAME TO SALT LAKE. I
WANTED TO GET RID OF THE
GUN BECAUSE I HAD NO USE FOR IT AND I WAS AFRAID IT MIGHT GET ME INTO TROUBLE IF I CAR-

When questioned concerning this statement this morning, County Attor-ney Westervelt, who was present at eating, said:

Somebody has been dreaming. Part of the statement is true and part of it, most of it in fact, is not true." Chief Lynch said: "I was with the man all the time and he made no such statement.

"We got a good many statements." sald Mr. Westervelt, "but we can not give them out now until we check up on them. Captain Burbidge said he knew nothing about it.

t it. The slueths looked ex-wise, twirled their moustaches, shrugged their massive shoulders, smiled and walked away-in search of

STATEMENT IS TRUE.

But in spite of the official denial anent the statement, the "News" has positive information that Shockley did make the statement attributed to him. He also made other statements. answers were very cautious and he weighed well every word he spoke to the officers.

Prothero was also questioned at great length and his utterances were compared with those made by Shockley, but if anything new of a material nature was learned by the officers, they decline to make it public.

STORY OF THE SHOOTING. This morning, before Justice Clark, the coroner's jury listened patiently to the story of the shooting. They heard over and over again what has already been published by the daily papers. Not a single new feature was brought out by the inquiry. At the conclusion of this morning's session, County Atty. Westervelt gave vent to that well known legal expression: "That's all." Then he informed the jurors that they could bring in a verdict if they so desired, but that so far as the police department was concerned or so far as he was concerned, there would be no

more evidence to present to them. JUSTICE CLARK ASTONISHED.

"Well," said Justice Clark, "it seems to me that if there are any more facts to be brought out in connection with the case, that this is the place for the inquiry. The witnesses should be here and tell this jury what they know. As yet we have not heard one word that indicates who the murderer is." "So far as we are concerned," said Westervelt, "we can get all the infor-mation we wish without summoning more witnesses here." Then Mr. West

ervelt smiled a most winning smile and

politely withdrew. "WHAT ARE WE HERE FOR?" For a few moments Coroner Clark and the jurors gazed blankly at one another and then one of them asked: What are we here for? We don't know any more now than we did some days All that we have listened to has been given to the public long ago by the newspapers. After being convened as a jury for some days and listening to considerable testimony, we can ar-rive at the conclusion that Mr. Gleason and Mr. Brighton were shot and killed by a murderous hold-up! The news-

papers told us all we know long ago. WHAT CLARK SAYS

Justice Clark said: "I think we have the right to summon the suspects now under arrest here, and hear their story. We are convened to inquire into the facts in the case. We know that two men were killed but beyond that we have not a single fact before us. If ther is reason to believe that some person now in custody is guilty of the crime we should know something about it, and if there is probable cause I think it would be my duty to issue a

ADJOURNED UNTIL MONDAY.

Justice Clark then adjourned the o'clock. In taking this action there is likely to be conflict with the county attorney. That official distinctly said he had nothing more to offer. It is imessible for Clark to issue any complaint unless it is county attorney. One of the jurors suggested it would be a good thing to wait until the newspapers could enplaint unless it is approved by the county attorney. One of the jurors

Mil BURDS STORY. Joseph H. Hurd was the first witness.